

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73040

Edward J. Werner
Michele M. Werner

1922 Oxley Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to store waste in rodent resistant watertight containers with tight fitting lids; for maintaining an open dump on residential property zoned DR 10.5 known as 1922 Oxley Road, 21222.

On January 25, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,300.00 (six thousand three hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205. This Hearing was rescheduled due to inclement weather, with written notice to Respondents.

B. Photographs in the file show bagged garbage on the ground, and cans overflowing with bagged garbage. Re-inspection on March 18, 2010 found no improvement, with multiple cans without lids overflowing with bagged garbage. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All garbage must be stored in cans with tight lids. Notes in the file by Inspector Moorefield state that rats were observed feeding in the garbage. Review of the file shows that code enforcement actions have been taken in prior years on this property for similar violations.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$150.00 (one hundred fifty dollars) if inspections between the date of this Final Order and May 5, 2010 find the violations corrected, with all garbage properly stored in cans with tight lids.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31st day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf